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**UK-Newport: Refuse and waste related services
2013/S 113-193154**

Contract notice

Services

Directive 2004/18/EC

Section I: Contracting authority

I.1) Name, addresses and contact point(s)

Isle of Wight Council
County Hall, High Street
Contact point(s): Procurement and Contract Management Unit, Waste Contract Procurement Project Team
For the attention of: Martin Thomas
PO30 1UD Newport
UNITED KINGDOM
Telephone: +44 1983821000
E-mail: waste.contract@iow.gov.uk

Internet address(es):

General address of the contracting authority: <http://www.iwight.com>

Further information can be obtained from: The above mentioned contact point(s)

Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from: The above mentioned contact point(s)

Tenders or requests to participate must be sent to: The above mentioned contact point(s)

I.2) Type of the contracting authority

Regional or local authority

I.3) Main activity

General public services

I.4) Contract award on behalf of other contracting authorities

The contracting authority is purchasing on behalf of other contracting authorities: no

Section II: Object of the contract

II.1) Description

II.1.1) Title attributed to the contract by the contracting authority:

Isle of Wight - Waste Contract (WASTE/1303/T01).

II.1.2) Type of contract and location of works, place of delivery or of performance

Services

Service category No 16: Sewage and refuse disposal services; sanitation and similar services

NUTS code UKJ34

II.1.3) Information about a public contract, a framework agreement or a dynamic purchasing system (DPS)

The notice involves a public contract

II.1.4) Information on framework agreement

II.1.5) Short description of the contract or purchase(s)

The Isle of Wight Council ('the Authority') is a Unitary Authority located in the South East of England on an island that lies off the south coast of mainland England and covers an area of 146.8 sq miles (38.016 hectares or 380.16 km²). As a Unitary Authority, the Authority has the duties and powers under the Environmental Protection Act 1990 associated with both a Waste Collection Authority and a Waste Disposal Authority. The duties include collection, treatment and disposal of household waste and a duty to provide areas where residents can deposit household waste free of charge. These duties are currently managed through an Integrated Waste Management Contract (IWMC) which ends in October 2015. The Authority managed 69,610 tonnes of municipal solid waste in 2011/12.

The Authority intends to procure the following waste management functions under a single 15-25 (depending on solutions proposed and evaluated through dialogue) year integrated contract:

- collections service;
- recycling service;
- food and green waste treatment service;
- residual waste treatment and disposal service; and
- re-use and minimisation service.

Potential Providers will be encouraged to consider the design, operation and management of a commercial waste service in their proposals. Potential Providers that are successful in the pre-qualification process and subsequently invited to take part in the dialogue stage of the procurement process, will be issued with an Output Specification against which they may propose technologies and methodologies to meet the Authority's requirements.

II.1.6) Common procurement vocabulary (CPV)

90500000, 45222110, 45232470, 90511000, 90511100, 90511200, 90513200, 90533000, 34144510, 34144511, 34144512, 44613800, 79723000, 79342300, 79342311, 71356400, 71351500, 45111250, 45222100, 45251240, 34144500, 34928480, 39713300

II.1.7) Information about Government Procurement Agreement (GPA)

The contract is covered by the Government Procurement Agreement (GPA): yes

II.1.8) Lots

This contract is divided into lots: no

II.1.9) Information about variants

Variants will be accepted: no

II.2) Quantity or scope of the contract

II.2.1) Total quantity or scope:

See II.1.5 above and the Descriptive Document.

Estimated value excluding VAT:

Range: between 135 000 000 and 225 000 000 GBP

II.2.2) Information about options

Options: no

II.2.3) Information about renewals

This contract is subject to renewal: no

II.3) Duration of the contract or time limit for completion

Starting 26.10.2015. Completion 26.10.2040

Section III: Legal, economic, financial and technical information

III.1) Conditions relating to the contract

III.1.1) Deposits and guarantees required:

The Authority may require supplementary agreements or parent company guarantees from Principal Service Providers, where appropriate. The Authority's particular requirements will be set out in the PQQ and/or tender documentation and may include, inter alia, parent company guarantee(s) and/or other form(s) of security.

III.1.2) Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them:

Contract payments will be linked to performance and other aspects as outlined in the payment mechanism.

III.1.3) Legal form to be taken by the group of economic operators to whom the contract is to be awarded:

Groupings, irrespective of their current legal form, may submit bids. Potential Providers may, after forming a grouping, submit a bid on condition that it complies with the rules of competition. Such groupings (or consortia) must specify the organisation (the 'Potential Provider') and person heading the bid ('Principal Contact') and must ensure that this person signs the certification section of the Pre Qualification Questionnaire (PQQ) to confirm their authority to submit the bid.

Bids from groupings or consortia of firms or groups of service providers, contractors or suppliers must specify the role, qualifications and experience of each member who will be responsible for delivering the Principal Services. The Authority is seeking a Service Provider to take responsibility for delivery of the Contract and manage any supply chain providers. The Authority reserves the right to require groupings of organisations to take a particular legal form or to require a single organisation to take primary liability or to require that each party undertakes joint and several liability for the delivery of the Contract. The Authority's particular requirements are to be determined, but the Authority may require that any contract(s) awarded shall be entered into by a single entity on the part of the successful candidate(s).

III.1.4) Other particular conditions

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: The Services required to be performed by the Service Provider will comprise Core and Non-Core Services. It is currently envisaged that the Core Services will be paid for in accordance with the Payment Mechanism on a monthly basis at an agreed monetary rate, subject to the Service Provider fulfilling the performance requirements to be set out in the Contract.

Deductions for failure to perform to the required standards will be determined in accordance with the Contract. It is currently envisaged that payment for Non-Core Services will be made in accordance with an agreed Schedule of Rates or other mechanisms to be set out in the Contract. However, the payment terms will be the subject of dialogue with Potential Providers and an alternative mechanism may be pursued.

III.2) Conditions for participation

III.2.1) Personal situation of economic operators, including requirements relating to enrolment on professional or trade registers

Information and formalities necessary for evaluating if the requirements are met: Potential Providers will be required to complete a PQQ which the Authority will use to evaluate and select Potential Providers to progress to the dialogue stages of the procurement. The Authority will assess Potential Providers' personal situation to ensure they meet the Authority's requirements and will be scored against the criteria as set out in the PQQ. The Authority reserves the right to request clarification information and/or interview Potential Providers who submit PQQs, as part of the evaluation process. Potential Providers will be assessed in accordance with Part 4 of the Public Contracts Regulations 2006 (as amended), on the basis of information provided in response to the PQQ.

III.2.2) Economic and financial ability

Information and formalities necessary for evaluating if the requirements are met: Potential Providers will be required to complete a PQQ which the Authority will use to evaluate and select Potential Providers to progress to the dialogue stages of the procurement. The Authority will assess Potential Providers' economic and financial standing to ensure they meet the Authority's requirements and will be scored against the criteria as set out in the PQQ. All PQQs will be evaluated in accordance with Article 47 of Directive 2004/18/EC and Regulation 24 of the Public Contract Regulations 2006 (as amended).

Minimum level(s) of standards possibly required: Pre-qualification evaluation scoring and weightings are detailed in the PQQ.

III.2.3) Technical capacity

Information and formalities necessary for evaluating if the requirements are met:

Potential Providers will be required to complete a PQQ which the Authority will use to evaluate and select Potential Providers to progress to the dialogue stages of the procurement. The Authority will assess Potential Providers' technical capacity to ensure they meet the Authority's requirements and will be scored against the criteria as set out in the PQQ. All PQQs will be evaluated in accordance with Articles 48 to 50 of Directive 2004/18/EC and Regulation 25 of the Public Contract Regulations 2006 (as amended).

Minimum level(s) of standards possibly required:

Pre-qualification evaluation scoring and weightings are detailed in the PQQ.

III.2.4) Information about reserved contracts

III.3) Conditions specific to services contracts

III.3.1) Information about a particular profession

Execution of the service is reserved to a particular profession: no

III.3.2) Staff responsible for the execution of the service

Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service: yes

Section IV: Procedure

IV.1) Type of procedure

IV.1.1) Type of procedure
competitive dialogue

IV.1.2) Limitations on the number of operators who will be invited to tender or to participate

Envisaged minimum number 3: and maximum number 6

Objective criteria for choosing the limited number of candidates: The Authority intends to select between three (3) and six (6) Potential Providers to participate in the first stage of dialogue on the basis of the ranking in accordance with the evaluation criteria published in the Authority's PQQ. Notwithstanding this, Potential Providers (with the inclusion of consortia members as described in paragraph 1.7.2 of the PQQ) must obtain a pass on all of the Authority's pass/fail eligibility questions in addition to obtaining a minimum of 75 % of the maximum weighted score available, in order to be considered for participation in dialogue.

IV.1.3) Reduction of the number of operators during the negotiation or dialogue

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated yes

IV.2) Award criteria

IV.2.1) Award criteria

The most economically advantageous tender in terms of the criteria stated in the specifications, in the invitation to tender or to negotiate or in the descriptive document

IV.2.2) Information about electronic auction

An electronic auction will be used: no

IV.3) Administrative information

IV.3.1) File reference number attributed by the contracting authority:

WASTE/1303/T01

IV.3.2) Previous publication(s) concerning the same contract

Prior information notice

Notice number in the OJEU: [2013/S 64-107465](#) of 30.3.2013

IV.3.3) Conditions for obtaining specifications and additional documents or descriptive document

Time limit for receipt of requests for documents or for accessing documents: 24.7.2013 - 14:00

Payable documents: no

IV.3.4) Time limit for receipt of tenders or requests to participate

31.7.2013 - 14:00

IV.3.5) Date of dispatch of invitations to tender or to participate to selected candidates

13.9.2013

IV.3.6) Language(s) in which tenders or requests to participate may be drawn up

English.

IV.3.7) Minimum time frame during which the tenderer must maintain the tender

IV.3.8) Conditions for opening of tenders

Section VI: Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: yes

Estimated timing for further notices to be published: TBC

VI.2) Information about European Union funds

The contract is related to a project and/or programme financed by European Union funds: no

VI.3) Additional information

The Authority expects to hold a bidders' day on the 10 July 2013, full details can be found in section VI.3 of this notice. A more detailed description of the procurement is included in the Descriptive Document (DD), a copy of which will be provided along with a Pre-Qualification Questionnaire (PQQ) to those Potential Providers expressing an interest by e-mailing such to the contact point in I.1 no later than 14:00 (GMT) on 24 July 2013. For the avoidance of doubt, the PQQ and DD shall be available on request from the date of the publication of this notice. Please note – in order for a completed PQQ to be evaluated by the Authority and therefore considered for the later procurement stages, a completed PQQ must be received by the Authority in accordance with the instructions in the PQQ, no later than 14:00 (GMT) on 31 July 2013. All questions in the PQQ must be responded to in full with accompanying information provided as relevant, in order to be considered further. The Authority reserves the right to request clarification information and/or interview Potential Providers who submit PQQs, as part of the evaluation process.

The Authority expressly reserves the right:

- (i) not to award any contract as a result of the procurement process commenced by publication of this notice;
- (ii) to make whatever changes it may see fit to the content and structure of the tendering competition;
- (iii) to award (a) contract(s) in respect of any part(s) of the services or works covered by this notice, and;
- (iv) to award contract(s) in stages.

In no circumstances will the Authority be liable for any costs incurred by candidates.

The contract shall be made in England and according to English Law and subject to the exclusive jurisdiction of the English Courts. Tenders and all supporting documents must be priced in sterling and all contract payments will be made in sterling. All discussion and/or meetings will be conducted in English.

The Freedom of Information Act (FOI) 2000 which came into force on 1.1.2005 applies to the Authority. If any Potential Provider considers that any information supplied by them is either commercially sensitive or confidential in nature, this should be highlighted and the reasons for its sensitivity specified. In such cases the relevant material will, in response to FOI requests be examined in light of the Act.

The Authority and its advisers shall not be liable for any costs resulting from cancellation of this process.

(1) Each Potential Provider acknowledges that it proceeds with the preparation and submission of the PQQ and, if appropriate, proceeds in the Competitive Dialogue process at its own risk and shall bear all of its own legal and other fees, costs and expenses in relation to the preparation and submission of any PQQ, Proposals or Final Tender, the Competitive Dialogue and any formal contract arising from them.

(2) Each Potential Provider is responsible for obtaining all necessary information for the preparation of any submission.

In the event of the appointment of a Potential Provider as Preferred Bidder by the Authority, the relevant Potential Provider will be responsible for all of its legal costs and for all the costs, expenses and liabilities incurred both (i) prior to such appointment and (ii) from such appointment to the conclusion of the process, whether by the Potential Provider and the Authority entering into a formal written contract or otherwise, including but not limited to:

2.1 in respect of any clarification and fine tuning carried out after appointment of the Potential Provider as Preferred Bidder;

2.2 in respect of any activities necessary to secure funding for the Project;

2.3 in making any applications to any body; and/or

2.4 in relation to the execution of any documentation for the purpose of performing its obligations in accordance with any contract with the Authority.

(3) For the avoidance of doubt, Potential Providers shall be responsible for their own costs and the Authority shall not be liable for third party costs of any description incurred by the Potential Provider where the Authority has cancelled or varied the process or they have been disqualified or deselected for any reason provided by any of the procurement documentation issued during the procurement process.

VI.4) **Procedures for appeal**

VI.4.1) **Body responsible for appeal procedures**

The High Court
Royal Courts of Justice, Strand
WC2A 2LL London
UNITED KINGDOM

VI.4.2) **Lodging of appeals**

Precise information on deadline(s) for lodging appeals: The Authority will incorporate a minimum ten (10) calendar day standstill period at the point information on the award of the contract is communicated to Potential Providers. Potential Providers who are unsuccessful shall be informed by the Authority as soon as possible after the decision has been made as to the reasons why the Applicant was unsuccessful. If an appeal regarding the award of the contract has not been successfully resolved, The Public Contracts Regulations 2006 (SI 2006 No. 5) as amended by the Public Contracts (Amendment) Regulations 2009 (SI2009 no.2992) provide for aggrieved parties who have been harmed or are at risk of harm by a breach of the rules to take action in the High Court (England, Wales, and Northern Ireland). Any such action must be brought promptly (generally within three (3) months). If a declaration of ineffectiveness is sought, any such action must be brought within 30 days where the

Authority has communicated the award of the contract and a summary of reasons to tenderers, or otherwise within six (6) months of a contract being entered into. Where a contract has not been entered into, the Court may order the setting aside of the award decision or order the Authority to amend any document and may award damages. If the contract has been entered into the Court may, depending on the circumstances, award damages, make a declaration of ineffectiveness, order the Authority to pay a fine, and/or order that the duration of the contract be shortened. The purpose of the standstill period referred to above is to allow the parties to apply to the Courts to set aside the award decision before the contract is entered into.

VI.4.3) **Service from which information about the lodging of appeals may be obtained**

VI.5) **Date of dispatch of this notice:**

11.6.2013